761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: April 14, 2006

FILE NO.: SH2126769

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: MICHAEL ROTHANS, CAPTAIN
PICO RIVERA STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING; AUGUST 24, 2004; INVESTIGATION #SH2126769**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on August 24, 2004.

The Committee met on April 13, 2006, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department) and Eric Smith (Leadership and Training Division).

The Committee deemed:

- as **Founded** the allegation that Deputy Richard Canfield #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards as it relates to a cross-fire situation, and

- as **Unfounded** the allegation that Deputy Richard Canfield #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/025.30: Use of Firearms and Deadly Force, and/or 3-01/025.10: Unreasonable Force.

The Committee recommended that Deputy Richard Canfield receive a **Written Reprimand**, and that Deputy Richard Canfield attend Laser Village training.

The Committee deemed:

- as **Unfounded** the allegation that Deputy Eric Callahan #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards, and

- as **Unfounded** the allegation that Deputy Eric Callahan #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/025.30: Use of Firearms and Deadly Force, and/or 3-01/025.10: Unreasonable Force.

The Committee recommended that Deputy Eric Callahan attend Laser Village training.

JGJ:MAH:mh

1761551N25A - SH-AD-32A (NWK) (6/92)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A TRADITION OF SERVICE"

DATE: April 20, 2006
FILE NO.: IV2168207

OFFICE CORRESPONDENCE

FROM: MICHAEL ROTHANS, CAPTAIN
PICO RIVERA STATION

TO: RICHARD CANFIELD
DEPUTY SHERIFF, #[redacted]
PICO RIVERA STATION

SUBJECT: **WRITTEN REPRIMAND**

On or about August 24, 2004, you placed your partner and/or yourself in a potential cross-fire situation, when you fired your weapon at a moving vehicle, while your partner was on the opposite side of the vehicle.

Your actions violated the following sections of the Manual of Policy and Procedures:

3-01/050.10 Performance to Standards

You are hereby reprimanded for your conduct in this incident and advised that any future violations of a similar nature may result in more severe discipline.

A copy of this memorandum will be forwarded to Personnel Services for inclusion in your permanent file.

Michael Rothans, Captain

4-20-06
Date

I have read and received a copy of this reprimand.

Richard Canfield, Deputy

4-20-06.
Date

Table of Contents

SH2126769

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08/24/04	Bureau/Station/Facility: PICO RIVERA STATION	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 004-07792-1516-013	Date: 08/24/04 Time: 2332 Hours
City or Station: PICO RIVERA	Nature of Incident: DEPUTY-INVOLVED HIT SHOOTING; SUSPECT DECEASED
Location: 8590 MERCURY LANE, PICO RIVERA	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial (circled), Park, Parking Lot (circled), Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, Street Lights (circled)

Weather (*circle only one*): Clear (circled), Cloudy, Fog, Rain

Distance: 10-15 Feet

Incident Type (*circle one or more*): Accidental, Armed Person (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle (circled), Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
11	None	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
	NONE			EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]	M.I.		
Street Address [redacted]	City [redacted]	Zip [redacted]	Work Ph	Home Ph	
Last Name [redacted]		First Name [redacted]	M.I.		
Street Add[redacted]	City [redacted]	Zip [redacted]	Work Ph	Home Ph	
Last Name [redacted]		First Name [redacted]	M.I.		
Street Address [redacted]	City [redacted]	Zip [redacted]	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	KNOTT	LAWRENCE		On Duty (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	LEYVA	ALBERT	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	REED	CHRISTOPHER	

PSTD Use Only
SH # 2126769

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/25/04	0130	01/16/06	

Employee #	Last Name	First Name	M.I
[redacted]	SUTTON	WESLEY	M.
[redacted]	BERG	MICHAEL	R.
[redacted]	SENO	BENNET	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OB						
S1	E1	OV						
S1	E2	OB						
E1	S1	FH	BR	9	Y	Y	GS	CH
E2	S1	OC						
E2	S1	FH	BR	9	Y	Y	GS	CH

Officer Involved Shooting
Involved Employee Information

URN: 004-07792-1516-013

Involved Employee

E 1

- Employee #: [redacted]
- Last Name: CANFIELD
- First Name: RICHARD
- M.I.:
- Sex: M
- Race: W
- Rank: DEPUTY SHERIFF
- Unit Assignment: PICO RIVERA
- Work Assignment (Unit #, Module, etc.): 151T2
- ShiftTime (*circle only one*): EM / **PM** (circled) / Day
- ShiftType (*circle only one*): **Regular** (circled) / Overtime / Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #:
- Interviewed? ☒
- Hrs of sleep prior to shooting: 7
- Duty [redacted]
- Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **Uniform w/ Vest** (circled)
- Other Factors:
- Age: [redacted]
- Height: 6'01"
- Weight: 220
- Range Qualification Date: [redacted]
- PPC Qualification Date: [redacted]
- Laser Training Date: [redacted]
- Certified with Weapon Used? [redacted]
- Patrol Certification? [redacted]
- Certification Unit: [redacted]
- Prior Shootings? [redacted]
- Number of Prior Shootings: [redacted]
- Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.
- Field Training Officer Emp # Last Name First Name M.I.

E 2

- Employee # [redacted]
- Last Name: CALLAHAN
- First Name: ERIC
- M.I.:
- Sex: M
- Race: W
- Rank: DEPUTY SHERIFF
- Unit Assignment: PICO RIVERA
- Work Assignment (Unit #, Module, etc.): 151K
- ShiftTime (*circle only one*): EM / **PM** (circled) / Day
- ShiftType (*circle only one*): **Regular** (circled) / Overtime / Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #:
- Interviewed? ☒
- Hrs of sleep prior to shooting: 4
- Duty [redacted]
- Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **Uniform w/ Vest** (circled)
- Other Factors:
- Age: [redacted]
- Height: 6'01"
- Weight: 200
- Range Qualification Date: [redacted]
- PPC Qualification Date: [redacted]
- Laser Training Date: [redacted]
- Certified with Weapon Used? [redacted]
- Patrol Certification? [redacted]
- Certification Unit: [redacted]
- Prior Shootings? [redacted]
- Number of Prior Shootings: [redacted]
- Field Training Officer Emp # [redacted] ast Name [redacted] First Name [redacted] M.I.
- Field Training Officer Emp # [redacted] ast Name [redacted] First Name [redacted] M.I.

E __

- Employee #
- Last Name
- First Name
- M.I.
- Sex:
- Race:
- Rank
- Unit Assignment:
- Work Assignment (Unit #, Module, etc.):
- ShiftTime (*circle only one*): EM / PM / Day
- ShiftType (*circle only one*): Regular / Overtime / Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #
- Interviewed? ☐
- Hrs of sleep prior to shooting:
- Duty Time (hrs):
- Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest
- Other Factors:
- Age:
- Height:
- Weight:
- Range Qualification Date:
- PPC Qualification Date:
- Laser Training Date:
- Certified with Weapon Used? ☐
- Patrol Certification? ☐
- Certification Unit:
- Prior Shootings? ☐
- Number of Prior Shootings:
- Field Training Officer Emp # Last Name First Name M.I.
- Field Training Officer Emp # Last Name First Name M.I.

Officer Involved Shooting Suspect Information

Suspect Information

S 1

Last Name PEREZ		First Name DAVID	M.I. M.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Addr[redacted]	City [redacted]	[redacted] & Zip [redacted]
Work Phon[redacted]	Home Ph[redacted]	Social Secu[redacted]	Driver's Licen[redacted]
Age: 31 D.O.B. 12/29/74	Height: 5-09 Weight: 115	FBI # [redacted]	CII # [redacted]
Booking # NONE	Primary Charge: NONE	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2004-06407	Intoxication/Drug Usage? ☒	Substance Used: COCAINE/ALCOHOL
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		AMR AMBULANCE SERVICE			
[redacted]	[redacted]		AMR AMBULANCE SERVICE			

INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED HIT SHOOTING
SUSPECT DECEASED
IAB SH2126769
URN 004-07792-1516-013

On Wednesday, August 24, 2004, Sergeants Michael Berg and Wes Sutton of the Internal Affairs Bureau responded to the Pico Rivera Station area regarding a deputy-involved shooting. Internal Affairs Bureau Lieutenant Ben Seno also responded.

At approximately 2318 hours, Pico Rivera Station deputies received a call of a hit-and-run traffic accident at Rosemead Boulevard and Danbridge Street. The suspect driver had fled the location in a white van. Deputy Eric Callahan (unit 151K) and Deputy Richard Canfield (unit 151T2) checked the area for the van and suspect. Pico Rivera units had broadcasted that the suspect was a male Hispanic with a shaved head. Within minutes, another patrol unit located the van at the intersection of Danbridge Street and Mercury Lane; however, the suspect was not with the van. Callahan and Canfield continued to search for the suspect.

Simultaneous to the above incident, warehouse workers at Boise Cascade Office Products, located at 8590 Mercury Lane, observed a male Hispanic (Suspect David Perez) enter the warehouse. Perez was armed with a 3 foot long board, and he acted in an agitated manner. Perez swung the board at the warehouse employees, who called the Pico Sheriff's Station. Perez eventually exited an open warehouse bay door, and walked onto the loading ramp/driveway.

Deputies Callahan and Canfield were parked near the entrance to the Boise Cascade parking lot as they searched for the suspect. Deputy Callahan observed a man matching the suspect's description exit a warehouse at 8590 Mercury Lane (Boise Cascade). Callahan drove to the loading ramp of the warehouse to contact the suspect, and Canfield followed.

Deputy Callahan drove his vehicle onto the loading ramp, and faced the open warehouse door. Canfield parked his car perpendicular behind Callahan's patrol car. Callahan exited his vehicle and moved to the passenger's side of his vehicle to contact the suspect, who stood several feet in front of Callahan's vehicle on the loading ramp. The suspect yelled at Callahan and swung the board in an aggressive manner. Canfield came up behind Callahan and both deputies, fearing for their safety, drew their firearms and pointed them at the suspect.

The suspect came toward the deputies and swung the board. The suspect slammed his board on the hood of Callahan's patrol car. As the suspect stood at the driver's side of Callahan's hood area, Callahan and Canfield stood across the hood on the passenger's side. Callahan deployed O.C. spray at the suspect which had no effect.

Both deputies shouted verbal commands at Perez to drop the board. Perez walked along the driver's side of Callahan's vehicle toward the rear of the vehicle, and toward the front of Canfield's vehicle. At one point, the suspect charged toward the deputies with the board raised in a striking motion. This caused both deputies to feel threatened, but the suspect stopped several feet away from the deputies. The suspect then turned away and continued toward the front of Canfield's vehicle.

The deputies continued to order the suspect to drop the board. The suspect walked around the front of Canfield's vehicle as the deputies followed with their guns still drawn. Perez walked to the open driver's door of Canfield's vehicle, and Canfield told Perez not to get in the car. Perez ignored the deputy's order, got into the driver's side of the vehicle with his board, and sat in the driver's seat. Canfield stood several feet to the side of the front of his own vehicle. Callahan stood on the passenger side of Canfield's car, several feet away from the vehicle.

Perez grabbed the gear shift lever on the steering column. Both deputies said the patrol car lurched forward. Canfield felt he had no avenue of escape, and thought he would be run over by the suspect. Canfield fired approximately 5 rounds at the suspect. The suspect placed the vehicle into reverse, and rapidly accelerated backward. The suspect drove the patrol car backward approximately 40-50 feet, and crashed the rear end into a parked, unoccupied Boise delivery truck. The rear driver's side of the patrol car slammed into the driver's side tire and fender of the parked truck.

Initially, as the patrol car drove off, Callahan told Canfield to let it go. Following the crash, both deputies approached Canfield's patrol car. Callahan approached from the passenger side of the car while Canfield approached the front end of the patrol car.

As they came closer to Canfield's car, they saw the suspect again try to grab the gear shift lever, and place the car into gear. Canfield, who initially believed the threat had ceased when his car crashed, again thought the suspect would try to run him over. Both deputies heard the car's engine revving, and believed the suspect was trying to place the car into gear and run over Canfield.

Callahan fired one round at the suspect from his position on the passenger's side of Canfield's car. Canfield stood toward the front of the car, slightly offset to the driver's side, and about 15 feet away. Canfield fired several rounds at the suspect. The suspect was hit multiple times, and discontinued his efforts to put the car into gear. The deputies broadcasted they had been involved in a shooting, and requested medical aid for the suspect.

Perez suffered six gunshot wounds. Paramedics arrived and pronounced the suspect dead at the scene. No deputies or civilians were injured. Several of the warehouse employees witnessed the incident. Deputy Stallone from the Force Training Unit and Lt. Scott Johnson of the Civil Litigation Unit also responded to the incident.

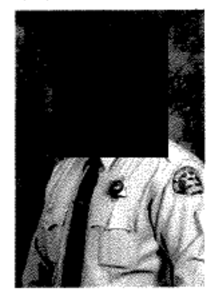
IAB Note: Refer to the Investigator Observations section for additional information regarding the shooting. The above summary was based on the involved deputies' versions of the events.

INVOLVED PERSONNEL:

CANFIELD, Richard, Deputy #[redacted]
Field Operations Region III
Pico Rivera Station



CALLAHAN, Eric, Deputy #[redacted]
Field Operations Region III
Pico Rivera Station

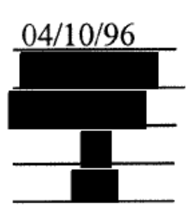


EMPLOYEE WORK HISTORY:

CANFIELD, Richard

Date of Employment	11/10/96
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

CALLAHAN, Eric



Date of Employment	04/10/96
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:

Perez, David MH/29 No Booking # (Suspect Deceased)

Suspect Perez had an [redacted] Refer to the CCHRS and RAPS printouts included under **Miscellaneous Documents.**

WITNESSES:

Sworn:

None

Civilian:

[redacted] MH/39
[redacted]

[redacted] MH/26
[redacted]

[redacted] MH/39
[redacted]

[redacted] MH/24
[redacted]

[redacted] MB/21
[redacted]

[redacted] MH/43
[redacted]

[redacted] MH/49
[redacted]

[redacted] MH/21
[redacted]

[redacted] MH/45
[redacted]

ESTEM, Kristecia FB/A
AMR Ambulance Service

STEWART, Christopher MW/A
AMR Ambulance Service

INJURIES:

PEREZ, David

-(1) gunshot wound to the left side chest (fatal).
-(1) gunshot wound to the left side chest (fatal).
-(1) gunshot wound to the left side chest (fatal).
-(1) gunshot wound to the front center chest (fatal).
-(1) gunshot wound to the right, rear upper arm (through-and-through, non-fatal).*
*this gunshot wound exited the arm and possibly entered the front, center chest (see above wound).
-(1) gunshot wound, graze/laceration to the right front abdomen (non-fatal).

There were 6 gunshot wounds to the suspect. Refer to the L.A. County Coroner's report #2004-06407 for further information (included in **Exhibit A, pages 83-125**). Dr. Golden from the Coroner's Office listed the cause of death as "multiple gunshot wounds."

Suspect Perez was initially placed into an AMR ambulance at the scene by paramedics and EMT personnel; however, Perez was pronounced dead at the scene by paramedics. Perez was transported to the Coroner's Office by Coroner personnel. Refer to photos in **Exhibit G**.

No deputies were injured.

PHYSICAL EVIDENCE:

Refer to the Homicide Book, **Exhibit A, p. 41-50** for Physical Evidence gathered at the crime scene(s) and processed by the Crime Lab. The Crime Lab report is located in **pages 126-135** of the same exhibit. Refer to the Homicide, Crime Lab, and Coroner reports contained in the Homicide Book, **Exhibit A**. Refer to photographs of the crime scene and evidence **(Exhibits D, E & F)**, and the crime scene sketch **(Exhibit A, page 132, and Exhibit B)**.

The location of the expended shell casings, bullet strikes to Deputy Canfield's car, and video/CD of the incident do not correspond to the deputies' statements. Refer to the **Investigator Observations** and **Property Damage** sections for additional comments regarding bullet strikes.

INVESTIGATOR OBSERVATIONS:

The physical evidence at the shooting scene both corroborates and conflicts with the deputies' statements. The location of the wood fragments of the suspect's weapon (board), the board strikes on the hood of Callahan's car, the bullet strikes to the suspect (and some to the vehicle), the positions of some of the shell casings, and positions of the deputies' vehicles support the deputies' statements.

Physical evidence which conflicts with the deputies' versions of the events includes: the positions of some of the deputies' shell casings, the direction of two of the bullet strikes on Canfield's patrol car, and a security video/CD of the incident. The security CD does not depict the entire scene, and only captures a portion of the incident.

Additionally, none of the witnesses state they saw two separate shooting scenes, approximately 30 seconds (and 30 feet) apart as the deputies described; however, none of the witnesses described the events as they were depicted on the security CD. Refer to the **Witnesses' Statements** section for complete statements.

Expended Shell Casing Locations:

> **IAB Note: The location of expended shell casings is not always a reliable indicator of a shooter's position.**

Deputy Callahan indicated he fired from the west (passenger) side of Deputy Canfield's vehicle, and he fired only one round. Deputy Callahan stated he fired from a position approximately 40-50 feet to the northeast of where the shell casing was found **(Evidence #6)**. Callahan stated he fired his one round after the suspect had crashed Canfield's patrol car. At the scene, one expended shell casing was found to the south of the passenger side rear tire of Deputy Callahan's car (facing west on the loading ramp). This is the only shell casing on the west side of the parking lot. Refer to the **crime scene sketch**, **photos of the scene**, and **Callahan's statements**.

Deputy Canfield indicated he fired approximately 5 times from the east (driver's) side of his vehicle as it was positioned behind Callahan's vehicle, and as it lunged forward. Canfield said he then approached his crashed vehicle after it sped backward, stood in front of it slightly offset to the driver's side, and fired 5 additional rounds. Ten expended shell casings were found to the east of the original position of Deputy Canfield's patrol car (behind Deputy Callahan's patrol car). These casings (**Evidence # 7-16**) were in front of three parked trucks on the east side of the parking lot, in a group approximately 10 feet apart (stretching north to south). They were located between 20-30 feet south of the final position of Deputy Canfield's vehicle. No shell casings were located near where Canfield described his second firing position. Refer to the **crime scene sketch, photos of the scene**, and **Canfield's statements**.

> **IAB Note: Both deputies stated that there were two separate shooting incidents (once when Canfield's patrol car lunged forward, and once after Canfield's car crashed and the deputies approached). However, the physical evidence, especially the locations of the expended shell casings, does not reflect two shooting scenes.**

Bullet Strike Damage:

During the shooting incident(s), Deputy Canfield stated he was standing to the front and driver's side of his patrol car (where the suspect was seated at the time of the threat) both times he fired. The bullet strikes located in the suspect, in the driver's side of the windshield frame, and driver's side of the hood are consistent with rounds fired from the front/driver's side of Canfield's patrol car. One round in the center, front of the grill of Canfield's car appears to have been fired from a position directly to the front of the car. Another round on the front, center portion of Canfield's hood appears to have been fired from a position slightly off-center and to the passenger's side front of the car.

The suspect sustained one wound to the rear side of his right arm, above the elbow. This wound was a through-and-through wound. In the autopsy report, the coroner speculated this same round probably also struck the suspect in the center of the chest, creating an irregular wound. The wound to the suspect's right arm (and center chest) more than likely was fired through the passenger's side open window (west side) by Deputy Callahan. Callahan indicated he was on the passenger's side of Canfield's car when he fired his only round.

Refer to **Exhibit E** (photos of bullet strike damage) and the coroner's report in **Exhibit A** for further information.

Security CD/DVR from Boise Office Products:

The CD is a view of this incident from a security camera positioned on the warehouse building at the southwest corner of the loading ramp. The view is looking to the north-northeast. The entire loading ramp is in view. Both marked patrol cars are seen in the pictures as they arrive at the location. Both patrol cars are to the extreme right side of the screen. Nothing can be seen beyond (to the right/east) of Canfield's patrol car.

> **IAB Note: The depiction of the incident from this CD is of poor quality. The frames are very grainy and blurred. The suspect can be easily identified in the frames. Both deputies can be seen but cannot be individually identified. The below description of the CD is based upon where the deputies describe their positions during their interviews.**

The CD shows the suspect on the loading ramp carrying a long object, possibly a board. Several of the warehouse employees exit the warehouse to the left of the screen. Deputy Callahan's patrol car is seen arriving, followed seconds later by Deputy Canfield's patrol car. Both deputies can be seen on the passenger side of Callahan's car, between the car and the loading ramp wall. The suspect approaches the hood of Callahan's car and appears to strike the hood with the object he is holding.

The suspect walks around the front of Callahan's car, then walks along the driver's side of Callahan's car toward the hood of Canfield's parked car. The two deputies follow the suspect around to the driver's side of Callahan's car. One deputy appears to be holding either his weapon

or O.C. spray as he points the object at the suspect. The other deputy is slightly behind the lead deputy. The suspect turns toward the deputy. The suspect and deputy appear to close the gap between each other and seem to get very close. There is very little depth perception to what is depicted.

The suspect turns away and walks around the front of Deputy Canfield's car and out of view. Both deputies follow the suspect out of view. Seconds later, a deputy (probably Callahan) is seen walking back into the picture, and moving forward down the passenger side of Canfield's car. The deputy walks several feet toward the rear of Canfield's trunk. The same deputy then walks to the passenger side front door of Canfield's car. Due to the poor quality of the CD, the exact actions of the deputy while at the passenger door cannot be clearly seen. The deputy (probably Callahan) stands at, in front of, or opens the front passenger door.

While the only visible deputy is at the passenger front door, the patrol car lurches forward. The suspect cannot be seen getting into Canfield's car, nor is their any view into the interior of the patrol car. The deputy appears to move away from the car, and is between the passenger side of Canfield's car and the trunk of Callahan's car. Canfield's car stops, then quickly moves in reverse. The deputy's actions cannot clearly be seen at this time. Canfield's car accelerates backward down the center of the parking lot. Again, depth perception is limited. The same deputy standing to the rear of Callahan's car (probably Callahan) appears to run after Canfield's car as it backs up. Canfield's car can be seen as it crashes trunk-first into a parked truck.

The deputy that runs after Canfield's car is seen running to the front hood/bumper area of Canfield's crashed patrol car.

Seconds later, the second deputy comes back into view. He comes into the picture from what would have been the driver's side/front area of Canfield's vehicle where it was originally parked. The second deputy is probably Canfield. The deputy runs to a position of cover behind a parked truck on the east side of the parking lot, and three trucks in front of Canfield's crashed patrol car. That deputy then moves up one truck.

The CD stops at this point with one deputy standing in front of the hood area of Canfield's car, and the other deputy along the row of parked trucks to the front of Canfield's car. No shooting or any muzzle flashes are observed on the CD. It cannot be seen if the deputies fire as they move toward the crashed patrol car, or if any shooting takes place afterward.

> **IAB Note: The reader of this investigation should view the CD. The above description of the CD is intended to be as objective as possible, and give the reader an overview of what is depicted on the CD. Again, the CD is of very poor quality. Identification of individuals and their actions may be inconclusive and/or inaccurate.**

Refer to the **Miscellaneous Section** of this report for further information about this CD. **Exhibit J** contains still frame photos of the incident from the CD; however, the photos are of extremely poor quality and are more difficult to view than the CD. A copy of the CD is included in this case as **Exhibit H**.

> **IAB Note: Immediately following the deputies' second interviews, they were showed the CD. Present during the viewing were both deputies, their representative Mitch Kander (of Green and Shinee), Sgt. Flamm (IAB) and Sgt. Berg (IAB). Neither deputy had a recollection of their actions as depicted on the CD. Both deputies stated they had no independent recollection of what was shown of the CD, and were surprised at what the CD displayed.**

Refer to the Homicide Book (**Exhibit A, p. 49-57**) for additional scene observations. Also, refer to **Exhibits C-F** for photographs of the scene, **Exhibit H** for the CD of the incident, and **Exhibit J** for still frame photos from the CD.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Canfield, Richard

Departmental-issued service firearm; Beretta 92F, 9mm, serial #BER[redacted]Z; **10 rounds** of duty issue 9mm ammunition fired. Canfield carried his weapon with 15 rounds in the magazine and one in the chamber. Following the shooting, he had 5 rounds in his magazine, and one in the chamber. Deputy Canfield's rounds were accounted for and located. Canfield was approximately 10-12 feet from the suspect's vehicle when he fired (at both shooting positions he described). Refer to the Property Damage section for additional information. Also refer to the Crime Lab examination of Canfield's weapon (**Exhibit A, pages 134-135, lab receipt J585229**).

Deputy Callahan, Eric

Departmental-issued service firearm; Beretta 92F, 9mm, serial #BER[redacted]Z; **1 round** of duty issue 9mm ammunition fired. Callahan carried his weapon with 15 rounds in the magazine and one in the chamber. Following the shooting, he had 14 rounds in his magazine, and one in the chamber. Deputy Callahan's round was accounted for and located. Callahan was approximately 25 feet from the suspect's vehicle when he fired. Refer to the Property Damage section for additional information. Also refer to the Crime Lab examination of Callahan's weapon (**Exhibit A, pages 134-135, lab receipt J585230**).

WEAPONS USED BY SUSPECT:

Suspect Perez used a wood plank from the top of a wooden pallet. The board was approximately 3 feet long and an inch thick. Perez used the board to swing at the deputies in a threatening manner, and hit Deputy Callahan's patrol car hood with the board. Perez also got into the driver's seat of Deputy Canfield's patrol car. Perez put the car into gear, causing the deputies to believe Perez would run them over as the patrol car lurched forward. Perez placed the car into reverse, and accelerated backward. The patrol vehicle contained a loaded shotgun. Perez crashed the vehicle into a parked delivery truck. After the rear of the patrol car hit the delivery truck, Perez again attempted to place the vehicle into gear. The deputies again believed Perez would drive at them with the vehicle.

Refer to **Exhibit A, p. 41-57** for a description of the crime scene and physical evidence, and **pages 126-135** for the Crime lab report. Refer to **Exhibit E and F** for photos of the board and patrol vehicle.

PROPERTY DAMAGE:

The following private property was damaged:

-Delivery truck, "Freightliner Boise," License [redacted] collision damage to the left front end and left front wheel (caused by the rear end of the patrol car which was driven by the suspect).

> **IAB Note: Miscellaneous property was damaged by the suspect inside of the warehouse at 8590 Mercury Lane prior to deputy personnel responding to the incident. Refer to Exhibit A, pages 41-50, for further information.**

The following departmental property was damaged:

-Marked Patrol Vehicle, SD2212, License #1040064 (Deputy Callahan's vehicle):

- Strike mark on top left front hood (from wood board by suspect)
- Strike mark on top right front hood (from wood board by suspect)
- Collision damage to rear of vehicle resulting from T/C with parked delivery truck
- Blood stains covering driver's side seat, floorboard, interior door and steering wheel

-Marked Patrol Vehicle, SD1681, License #1007957 (Deputy Canfield's vehicle):

- Bullet hole, front of grill guard
- Bullet strike, front of hood
- Bullet strike, driver's side front hood, top left quarter panel
- Bullet strike, top left quarter panel of hood
- Bullet strike, driver's side door, front (outside) of window frame

Lt. Scott Johnson of Civil Litigation responded to the scene. Refer to the photographs in **Exhibit E** for further documentation of the above damage, as well as **Exhibit A, pages 41-50, and 130-133**.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	Detective Steve Lankford (Homicide)
Court	None
Charges Filed	None
Court Date	None
Case Number	None

No criminal charges were filed. Homicide Investigators Lankford and Graves handled the incident.

LIGHTING OR WEATHER CONDITIONS:

The weather was cloudy, warm, and dark at the time of the shooting (approximately 2332 hours). Lighting was provided from overhead lights attached along the warehouse building.

INVOLVED EMPLOYEES' STATEMENTS:

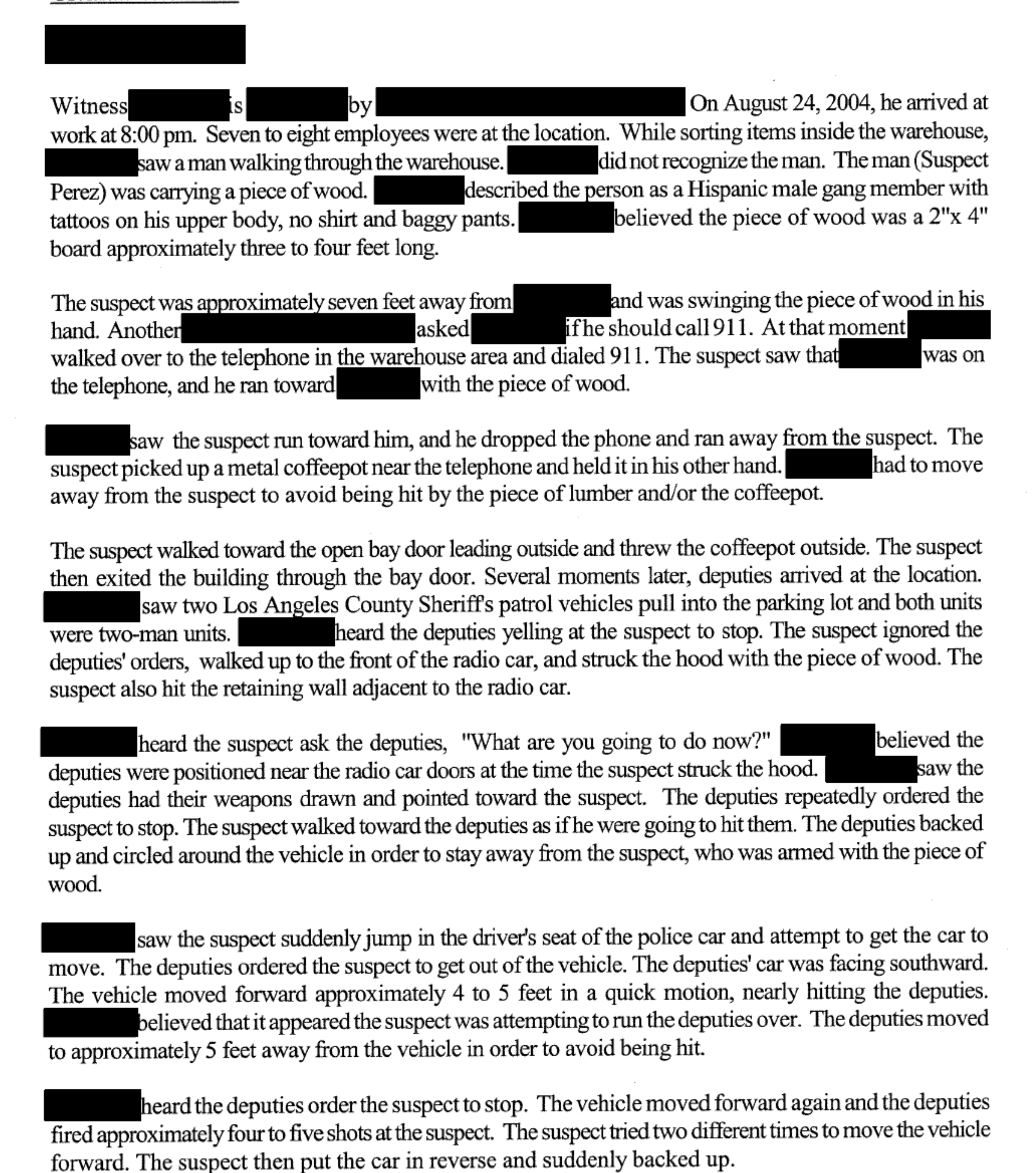
Deputy Canfield, Richard

Deputy Canfield was interviewed at the Internal Affairs Bureau on December 8, 2005, and February 15, 2006. Refer to the verbatim transcripts of Canfield's interviews, included in the **Involved Employees' Statements** section of this case.

Deputy Callahan, Eric

Deputy Callahan was interviewed at the Internal Affairs Bureau on December 8, 2005, and February 15, 2006. Refer to the verbatim transcripts of Callahan's interviews, included in the **Involved Employees' Statements** section of this case.

> **IAB Note: At the start of their second interview, both deputies were given a copy of the crime scene sketch. They were advised the sketch, completed by crime lab personnel, was not to scale. The deputies used the sketches to diagram their actions during the incident. The deputies' diagrams are included in Exhibit I.**



WITNESSES' STATEMENTS:

<u>Civilian Witnesses</u>

[redacted]

Witness [redacted] is [redacted] by [redacted] On August 24, 2004, he arrived at work at 8:00 pm. Seven to eight employees were at the location. While sorting items inside the warehouse, [redacted] saw a man walking through the warehouse. [redacted] did not recognize the man. The man (Suspect Perez) was carrying a piece of wood. [redacted] described the person as a Hispanic male gang member with tattoos on his upper body, no shirt and baggy pants. [redacted] believed the piece of wood was a 2"x 4" board approximately three to four feet long.

The suspect was approximately seven feet away from [redacted] and was swinging the piece of wood in his hand. Another [redacted] asked [redacted] if he should call 911. At that moment [redacted] walked over to the telephone in the warehouse area and dialed 911. The suspect saw that [redacted] was on the telephone, and he ran toward [redacted] with the piece of wood.

[redacted] saw the suspect run toward him, and he dropped the phone and ran away from the suspect. The suspect picked up a metal coffeepot near the telephone and held it in his other hand. [redacted] had to move away from the suspect to avoid being hit by the piece of lumber and/or the coffeepot.

The suspect walked toward the open bay door leading outside and threw the coffeepot outside. The suspect then exited the building through the bay door. Several moments later, deputies arrived at the location. [redacted] saw two Los Angeles County Sheriff's patrol vehicles pull into the parking lot and both units were two-man units. [redacted] heard the deputies yelling at the suspect to stop. The suspect ignored the deputies' orders, walked up to the front of the radio car, and struck the hood with the piece of wood. The suspect also hit the retaining wall adjacent to the radio car.

[redacted] heard the suspect ask the deputies, "What are you going to do now?" [redacted] believed the deputies were positioned near the radio car doors at the time the suspect struck the hood. [redacted] saw the deputies had their weapons drawn and pointed toward the suspect. The deputies repeatedly ordered the suspect to stop. The suspect walked toward the deputies as if he were going to hit them. The deputies backed up and circled around the vehicle in order to stay away from the suspect, who was armed with the piece of wood.

[redacted] saw the suspect suddenly jump in the driver's seat of the police car and attempt to get the car to move. The deputies ordered the suspect to get out of the vehicle. The deputies' car was facing southward. The vehicle moved forward approximately 4 to 5 feet in a quick motion, nearly hitting the deputies. [redacted] believed that it appeared the suspect was attempting to run the deputies over. The deputies moved to approximately 5 feet away from the vehicle in order to avoid being hit.

[redacted] heard the deputies order the suspect to stop. The vehicle moved forward again and the deputies fired approximately four to five shots at the suspect. The suspect tried two different times to move the vehicle forward. The suspect then put the car in reverse and suddenly backed up.

After the shooting, the suspect drove the patrol car backward, colliding into Boise Company's trucks parked on the east side of the property line facing west. The deputies slowly approached the patrol car and he could hear the engine of the patrol car running. The deputies checked to see if the suspect was moving. [redacted] heard one of the deputies request paramedics via his Sheriff's radio. Two minutes later, paramedics arrived and treated the suspect. The paramedics removed the suspect from the patrol car and placed him in the back of the ambulance.

[redacted]

Witness [redacted] is [redacted] by [redacted] On August 24, 2004, he arrived at work at approximately 2145 hours. All things within the business were normal upon his arrival. Mr. [redacted] established that he is responsible for sorting merchandise for individual routes and loading trucks for delivery at the warehouse. [redacted] advised that the warehouse has a total of 13 doors, all of which were open. Each and every open door of the warehouse had a delivery truck parked in front of it, with the exception of Door #7, which is a receiving door.

At the time of the incident, [redacted] was actually inside a delivery truck. He and a [redacted] by the name of [redacted] were unloading the truck with a forklift. [redacted] was at the end of the trailer he was loading when he noticed an unknown person walk by, within 10 feet of the truck. [redacted] described the man as having a bald head, wearing long denim shorts, and holding a big piece of wood. [redacted] exited the trailer and saw this person walk into another truck that was parked two bay doors down. [redacted] described the piece of wood as a broken (top slab) piece of pallet. He stated that it was approximately 4 feet long and estimated its width as approximately 2 ½ inches and being approximately 1 inch thick.

[redacted] saw the suspect carry the piece of wood in his right hand and walked a panicked manner. The suspect looked around in all the bay doors. Mr. [redacted] thought the suspect was "tripping." [redacted] got off the forklift he was driving and telephoned 911. Once [redacted] dialed 911, on the telephone, the suspect began walking toward him. The suspect held up the stick in a threatening manner. [redacted] felt he was going to be hit with the stick. He estimated that the suspect came within 5 to 6 feet of him. The suspect approached [redacted] and swung the stick at him. [redacted] backed away from the suspect as the suspect grabbed a coffeepot. [redacted] kept his distance as he watched the suspect exit the warehouse door referred to as #1.

[redacted] grabbed a metal pipe and armed himself in order to defend against the suspect should he return.

[redacted] saw the suspect outside of the warehouse. The suspect swung the board near the employees' personal vehicles. [redacted] approached the suspect just as the police arrived. Two marked police cars arrived with one uniformed deputy sheriff in each car. One police car faced the warehouse while the other police car was just behind it, parallel to the building. The police exited their vehicles.

The suspect stopped his forward motion toward the employees as the police arrived. The suspect then hit the wall adjacent to him with the stick. The suspect then walked toward the police, who in response drew their weapons. The suspect then hit the police car with the stick. The suspect hit the police car's hood once with the board as the deputies repeatedly ordered, "Put down the stick down."

Mr.[redacted] realized that he was within the deputies' line of fire should they have to shoot their weapons. He saw the suspect approach the deputies. The deputies mirrored the suspect's movements in a half or semi-circle, with the deputies backing away from the suspect.

The suspect made his way to the driver's side of one of the police cars. The suspect entered the police car as the deputies stated, "Put your weapon down. Come and get out of the car." The suspect replied, "What are you gonna do?" The deputies told the suspect they would fire at him.

The suspect put the vehicle's gearshift lever into gear. [redacted] heard one round fired from the deputies as the car was placed into gear and began to move backward. There was a deputy standing in front of the police car as it moved, who fired once. The other deputy stood on the passenger's side of the patrol car. After the first shot, both deputies fired at the moving vehicle. [redacted] estimated the deputies fired approximately ten rounds.

[redacted] saw the suspect back into one of the trucks that was parked in the parking lot. He then saw the two deputy sheriffs approach the vehicle, and heard one of them call for an ambulance. The ambulance arrived approximately 4 to 5 minutes later. During this period of time, [redacted] noticed the deputies talked to each other and stayed near the suspect until the paramedics arrived. Shortly thereafter, paramedics and additional police officers arrived, who then contacted the witnesses.

[redacted] believed that the suspect was trying to get away in the police car. He believed that the suspect had panicked and was trying to escape.

[redacted]

On August 24, 2004, at approximately 2320 hours, Witness [redacted] made a delivery to Boise Cascade Office Max on Mercury Lane. [redacted] semi-truck and trailer were backed into one of the open bay doors and two employees of Boise were unloading his truck. [redacted] was inside the warehouse near the coffeepot making a pot of coffee. He noticed the suspect, whom he described as a male Hispanic, 5 feet 10 inches tall, medium build, approximately 160 pounds, wearing no shirt, with numerous tattoos on his upper torso. The suspect carried a large piece of wood inside the warehouse. The suspect waved the piece of wood at the Boise employees. [redacted] could not hear what the suspect said, if anything.

[redacted] believed the suspect was going to assault the people inside the warehouse. The suspect walked toward him with the piece of lumber, holding it up in a threatening manner. [redacted] was in fear that the suspect was going to strike him, so he walked away from the suspect.

[redacted] saw [redacted] an [redacted] of [redacted] on the telephone and believed he was calling the police. It appeared the suspect saw [redacted] on the telephone, and the suspect walked toward [redacted] while he was on the telephone. As the suspect approached, [redacted] dropped the telephone and ran away from the area.

[redacted] saw the suspect walk toward the open bay doors. The suspect swung the stick and hit objects as he walked through the warehouse. The suspect grabbed a metal coffeepot from inside the warehouse, then jumped off of the loading dock and exited the warehouse. [redacted] lost sight of the suspect for approximately 2 minutes.

[redacted] armed himself with a broom that was inside the warehouse because he feared the suspect would assault him. As [redacted] walked out of the location to see the whereabouts of the suspect, he saw the deputies arrive. [redacted] pointed out the suspect to the patrol cars as they pulled into the location. The deputies arrived in two one-man units.

The suspect approached the police car that had parked facing the warehouse. The suspect banged the piece of wood on the hood of the police car. The deputies exited their patrol cars and they began ordering the suspect to put the stick down. The suspect did not comply with the orders given by the deputies. [redacted] saw that the deputies had pulled out their weapons and pointed them at the suspect while giving him verbal commands to drop his weapon.

The suspect would not comply with the orders given by the deputies and walked toward the open driver's side door of one of the patrol cars. The suspect immediately entered the driver's side and seated himself in the driver's seat of the police car.

One deputy was approximately 2 feet in front of the vehicle as he ordered the suspect to get out of the patrol car. [redacted] saw the suspect maneuver the gearshift inside the vehicle, and the vehicle moved in reverse at a fast pace. One deputy fired a shot as the vehicle was going backward. Suddenly, the deputies continued to fire at the suspect. As the suspect backed up, he collided into a large Boise delivery truck parked on the east side of the business.

[redacted] estimated that the entire incident lasted only seconds. [redacted] was approximately 25 feet away, possibly farther, from the shooting scene. [redacted] estimated he heard approximately seven shots fired by the deputies.

[redacted]

Witness [redacted] is a [redacted] with [redacted] On August 24, 2004, [redacted] arrived at the warehouse between 2030 and 2045 hours. At the start of his shift, things were normal within the warehouse and additional employees arrived at approximately 2200 hours. [redacted] described the warehouse as having 13 bay doors, all of which were open upon his arrival.

[redacted] was inside a 53-foot trailer unloading merchandise with a forklift when he noticed a Hispanic male swinging a piece of wood inside the warehouse. [redacted] had stopped his forklift momentarily when he saw the suspect. The suspect wore Indigo jeans and no shirt. [redacted] felt threatened because it was unusual for anyone but employees to be inside the warehouse during those hours.

[redacted] while on the forklift, was backing up as he passed the suspect. [redacted] asked the suspect, "What's going on?" The suspect mumbled something indiscernible as he looked side to side at the trailer, and continued swinging the board.

[redacted] then exited the truck and headed toward the middle of the dock. He noticed the suspect went to the next trailer and entered the cargo area of the trailer for approximately 4 to 5 seconds. The suspect exited that particular trailer, still holding the stick.

The suspect walked toward the entrance door of the warehouse, which [redacted] unsuccessfully tried to close. The suspect then approached the employees in the center of the warehouse. [redacted] a [redacted] of

[redacted] was telephoning the police. [redacted] saw the suspect run toward [redacted] at which time [redacted] ran into an office area. The suspect came within 10 to 15 yards of [redacted] and was hitting everything he could reach with the stick. [redacted] believed the suspect was on drugs due to the appearance of his eyes and his profuse sweating.

While inside the office [redacted] heard other employees pulling poles from the dock ramp. [redacted] walked out of the office and looked once again, at which time he saw the suspect was outside.

[redacted] did not actually see the suspect exit the building. [redacted] did notice, however, the police cars had arrived. He noticed one marked police car and two uniformed deputy sheriffs. He saw that the policemen had their guns drawn, and were pointing them toward the suspect.

The suspect had a stick and hit the hood of the police car. [redacted] could not hear the exact words but recalled the policemen said something directed toward the suspect. [redacted] noticed the suspect shook his head and hit the patrol car in response to the officers' commands.

The policemen faced the suspect. [redacted] noticed he was standing behind the suspect, directly in the line of fire. [redacted] moved from his position, at which time he heard two gunshots. [redacted] heard the gunfire and the sound of air hissing, describing the sound as similar to a tire going flat or the sound of an air brake.

[redacted] recalled he saw the suspect get into the driver's seat of the police car and put the vehicle into reverse. The policemen again said something directed toward the suspect, who in turn said something back to the officers; however, he was unable to discern the exact words.

The police officers fired through the front windshield of the police car, as the suspect was taking off. [redacted] saw the suspect crash into a truck parked behind the patrol car, at which time the police officers fired again.

[redacted] saw a helicopter, fire trucks, ambulance and paramedics arrive thereafter. The wood stick that was carried by the suspect was left near the police car. [redacted] saw the suspect being attended to by emergency personnel. [redacted] was then contacted by a police officer and asked to accompany him to Pico Rivera Sheriff's Station pending an interview with Homicide Detectives.

[redacted]

On August 24, 2004, between 2130 and 2140 hours, Witness [redacted] arrived at [redacted] to begin his work shift. His position at the company is a [redacted] within the warehouse. At approximately 2300 hours, he saw a bald, male Hispanic with no shirt on, wearing shorts and holding a broken piece of wood, possibly from a pallet. He estimated the length of the wood to be approximately 3 feet long. The suspect was walking inside the warehouse waving the stick around.

The suspect walked through the warehouse, and yelled, "Dogtown!" [redacted] was approximately 50 feet away from the suspect at this time. [redacted] saw the suspect approach a group of approximately six other employees. Again, the suspect said, "Dogtown" or something else while he was uttering unintelligible

words and waving the stick around. Another employee by the name of [redacted] went to call the police. As [redacted] was on the phone with the police, the suspect approached [redacted] The suspect looked as if he was going to hit [redacted] saw [redacted] back away and stay approximately 5 feet away from the suspect to avoid being struck.

[redacted] saw the suspect pick up a metal coffeepot and throw it outside. The suspect walked out of the building and [redacted] lost sight of the suspect. After the suspect exited the warehouse, [redacted] walked to the open bay doors to see what the suspect was doing. [redacted] saw that the suspect was near the employees' personal vehicles, pacing back and forth.

[redacted] saw two one-man Sheriff's patrol cars arrive at the scene. The deputies exited their vehicles and pointed their weapons at the suspect. The deputies ordered the suspect to put his hands up. The suspect approached a deputy's patrol car. One deputy was off to the side of the patrol car that was facing the warehouse. The suspect continued to approach the deputies, and the deputies continued to order him to drop the stick. The suspect struck the hood of the radio car while the deputies ordered him to drop the stick. As the deputies pointed their weapons at the suspect, the employees of the warehouse realized they were in the line of fire and moved inside the warehouse.

The suspect walked toward the second police car as the deputies paralleled the suspect. The deputies continued to order the suspect to drop the stick. The suspect got into the driver's seat of the patrol car. One deputy was in front of the radio car and approximately 5 feet away from it, while the other deputy was on the driver's side toward the front of the vehicle. [redacted] believed the patrol car was left running. [redacted] heard the engine revving, and believed the suspect was pushing the gas pedal. [redacted] saw the suspect pull on the gear shift lever on the steering column.

The patrol vehicle started to move, but [redacted] was unsure if it moved forward or backward. The vehicle then suddenly moved backward and the deputies fired. [redacted] heard approximately five to six shots. The vehicle continued in reverse and struck a Boise delivery truck located on the east side of the property line.

After the shooting, one of the deputies asked for the address of the warehouse, and immediately notified paramedics via Sheriffs radio. Approximately 2 minutes later paramedics arrived and treated the suspect.

[redacted]

Witness [redacted] is also an [redacted] of [redacted] was in the center of the warehouse, and the center door of the warehouse was open for the [redacted] driver who was making a delivery. [redacted] believed the [redacted] driver arrived at approximately 2320 hours, and estimated it was approximately 10 minutes later that he saw a male with no shirt on walking around inside the warehouse. [redacted] described this individual as a male Hispanic, bald, with tattoos.

Initially, [redacted] thought this particular individual was with the [redacted] driver, but noticed that he was walking around carrying a 3-foot stick, which was approximately a ½ inch thick. The suspect had the stick in his right hand and was pacing up and down. The suspect appeared to be looking for something by the bay door in the [redacted] driver's truck.

As the suspect paced between the doors numbered 5 and 10, all of which were open, [redacted] saw the suspect walk into one of the trucks. [redacted] knew the suspect had absolutely no business being

inside the trucks. The suspect came out of the truck and walked toward a group of employees, including [redacted] in the center of the warehouse.

[redacted] continued working as the suspect passed by him. [redacted] heard the suspect say something like, "Dog Pound" as the suspect passed. Mr. [redacted] saw the word "Dog Town" tattooed on the suspect's back and realized that it was "Dog Town" and not "Dog Pound" that the suspect had muttered. [redacted] believed this to be a Los Angeles street gang but could not elaborate any further.

[redacted] saw his [redacted] on the telephone as the suspect walked toward the phone area. The suspect grabbed a coffeepot and swung it at [redacted] as he still held onto the stick. [redacted] and another [redacted] backed off and the suspect went to Door #1. The suspect flung the coffeepot outside toward the parking lot. The suspect then jumped off the dock and onto the parking lot outside. [redacted] believed the suspect looked bug-eyed and spaced out. [redacted] believed the suspect was going to hit one of the employees with the stick while inside the warehouse.

[redacted] followed the suspect as he walked out the door. [redacted] saw a police car arrive and noticed two uniformed deputy sheriffs exit the one police car near the glass entry door of the warehouse. The officers exited, drew their weapons, and told the suspect, "Drop the stick."

The suspect paced in front of a patrol car and hit the hood of the police car with the stick. The deputies held the suspect at gunpoint as they continued their commands for him to drop the stick. The suspect walked toward the deputy who was positioned on the driver's side of the patrol car. There was a second deputy on the passenger's side of the patrol car.

The suspect entered the driver's side of the police car and placed the car into reverse. At that point, the deputies fired. One officer was positioned on each side of the police car near the front hood. [redacted] believed that they were positioned at each corner of the front of the police car.

[redacted] initially thought the suspect was going to run over the deputies; however, the car went in reverse as the deputies fired approximately five to six rounds at the suspect. The suspect crashed the police car into a truck, where it came to rest.

[redacted] believed the deputies fired two times as the patrol car was placed in gear by the suspect, an additional two times as the suspect was reversing, and two additional rounds were fired upon the crash. When the patrol car crashed, [redacted] thought each deputy fired one round.

Other patrol cars and paramedics arrived, and treated the suspect.

[redacted]

On August 24, 2004, Witness [redacted] was [redacted] inside the warehouse sorting office supplies. He saw a male Hispanic walking inside the warehouse wearing Levi's and no shirt. [redacted] thought that the suspect was possibly with the truck driver who had just arrived at the location.

[redacted] noticed the suspect carried a pallet board slat, which was approximately 3 feet long and an inch wide. The board was broken on one end.

The suspect waved the stick around and approached [redacted] The suspect stated, "Dog Town." [redacted] believed the suspect was referring to a gang named "Dog Town." The suspect got within 15 feet of [redacted] and they made eye contact with each other. The suspect had the stick and continually struck warehouse items as he walked through the warehouse.

[redacted] believed the suspect was suspicious, and [redacted] became afraid. [redacted] saw the suspect walk to the coffee room. [redacted] was on the telephone calling the police. [redacted] believed the suspect was going to hit [redacted] while he was on the telephone. [redacted] moved away from the suspect. The suspect picked up a large coffeepot as if he were going to hit [redacted] with it. The suspect had the stick in his right hand and the coffeepot, made of metal and glass, in his left hand. The suspect then threw the coffeepot outside.

A few moments later the suspect exited the building via the open bay doors. [redacted] saw [redacted] arm himself with metal bars that are used for unloading and loading merchandise inside the business.

Other employees exited the warehouse in order to locate the whereabouts of the suspect. [redacted] decided he should telephone the police, and he walked into the office in order to call the Sheriff's Department.

A few moments later, [redacted] heard approximately six to seven gunshots coming from outside. [redacted] looked outside and saw numerous Sheriff's deputies arrive at the scene. A few moments later the paramedics arrived and treated the suspect. [redacted] saw the suspect seated in the Sheriff's patrol car driver's seat as the paramedics were treating him. The paramedics removed the suspect from the patrol car.

[redacted]

Witness [redacted] an [redacted] of [redacted] was sorting boxes when he noticed a male with no shirt standing near the dumpster. He described this individual as a Hispanic male with a short style haircut and tattoos on his back. The individual was wearing no shirt and had long, baggy, blue shorts on. The suspect held onto a wall and looked around while [redacted] noticed the headlights of what he believed to be a police car.

[redacted] felt the suspect's presence was odd and looked toward his other employees for some kind of reaction from them. All the other employees in the warehouse were looking at the suspect.

The suspect came toward [redacted] and held a stick upward. The suspect swung the stick and "mad-dogged" everyone. [redacted] believed the suspect was running from the police and additionally believed that the suspect was going to strike one of the employees with the board that he held.

The suspect walked toward a group of employees in the center of the warehouse. The suspect hit boxes and poles with the stick he was carrying. One [redacted] named [redacted] telephoned the police as the suspect approached him in an angry manner. The suspect swung the stick at [redacted] Pacheco believed the suspect was going to hit [redacted]

[redacted] described the stick that the suspect was carrying as a 3-foot piece of wood approximately 2 inches thick.

The suspect then grabbed a coffee pot with one hand while he held the stick in the other. [redacted] believed the suspect was "high" and recalled the suspect having bloodshot eyes. [redacted] also described the suspect as looking like a gang member.

[redacted] recalled that his [redacted] wanted to confront the suspect; however, Mr. [redacted] urged him not to, stating that the police will get him. [redacted] looked back at [redacted] who was on the telephone, and noticed that everyone had gone outside except for himself and one other employee who was in the restroom. [redacted] then walked toward the front of the warehouse while listening for voices, as he was afraid to walk outside. [redacted] heard a voice state, "What the fuck are you gonna do about it?" [redacted] looked and saw a police car reversing, at which time he heard approximately five to seven shots. It was unclear to [redacted] who was shooting at the time, and he believed that the police were possibly being fired upon by the suspect.

[redacted] saw the police car collide with a truck, which he described as hard impact. [redacted] believed the suspect was shooting at the police because the shots rang out when the vehicle reversed. [redacted] went outside in time to see additional police officers arrive. The police officers held their weapons pointed at the suspect, who was seated inside the crashed police car.

[redacted] saw the deputies check for a pulse on the suspect. Paramedics arrived and treated the suspect. Mr. [redacted] said that he had never seen the suspect before and knew he was not an employee at the business.

[redacted]

Witness [redacted] stated that on August 24, 2004, he arrived at work at 2200 hours. Between 2330 and 2340 hours, he went to the restroom located in the rear of the warehouse. While he was in the restroom, he heard what he believed to be five to six gunshots. [redacted] related that it is common to hear loud banging noises inside the warehouse; however, he believed these to be gunshots.

A few moments after hearing the gunshots, another employee banged on the bathroom door informing [redacted] that he should come out of the bathroom. [redacted] exited the restroom, walked to the front of the warehouse and exited the open bay doors. He saw that a male Hispanic was seated in a Los Angeles County Sheriff's patrol vehicle and that there were a lot of deputies in the vicinity. [redacted] saw paramedics pull a person out of the patrol car and perform CPR on that person. [redacted] went back into the warehouse.

[redacted]

Witness [redacted] is employed with American Medical Response (AMR) as an Emergency Medical Technician (#[redacted] On August 24, 2004, she was assigned with EMT [redacted] was dispatched by AMR Ambulance Company to a gunshot wound call via her computer. [redacted] recalled that she was dispatched to the area of Mercury Lane between Stealth and Paramount. [redacted] recalled that she was on scene at 2342 hours and that she, along with her partner, stayed across the street awaiting approval from Sheriff's deputies to safely enter the location.

Once she and her partner arrived at the location, she saw the paramedics performing cardiopulmonary resuscitation on the patient, who was lying supine.

[redacted] noted that the patient was unconscious and he was wearing no shirt, only one shoe and a pair of boxer shorts. [redacted] also noted blood on the patient's (suspect's) chest and on the ground around and beneath him.

[redacted] assisted in placing the patient on a backboard with a neck brace collar, and placed him onto a gurney. She assisted with loading the suspect in the back of the ambulance. Contact was made with Whittier Presbyterian Hospital through the paramedics, and the patient was ultimately pronounced dead by a doctor via telephone.

[redacted]

Witness [redacted] is employed with American Medical Response (AMR) as an Emergency Medical Technician (# [redacted] On August 24, 2004, he was assigned with EMT [redacted] At approximately 2335 hours, he, and his partner, received a call for service at 8590 Mercury Lane, Pico Rivera. The call stated a person suffering from gunshot wounds was at the location.

As [redacted] and his partner responded to the location, he was advised by his dispatcher not to roll into the location since it was possibly a dangerous situation. Instead, dispatch advised they should wait for the all clear from the police before they enter the area. As he waited for the all clear, he saw numerous patrol cars pass him and respond to the location.

[redacted] then drove to the scene, where he saw paramedics conducting CPR on a male Hispanic who apparently had suffered gunshot wounds. He and his partner placed the male Hispanic on a gurney and moved him to the rear of the ambulance. The paramedics were talking on the telephone with a doctor at a nearby hospital. Stewart heard the doctor tell the paramedics to pronounce the male Hispanic deceased at the scene.

Deputy Witnesses

None

SUSPECT'S STATEMENT:

No statement– deceased.

Toxicology reports from the coroner's office by Dr. Muto showed the suspect had the presence of cocaine and alcohol in his blood system. Refer to the toxicology report, **Exhibit A, p. 118**.

MISCELLANEOUS SECTION:

Exhibit H, the security CD of the incident, was obtained from Homicide Detective Lankford. Lankford obtained the CD from security personnel at the location of the incident, "Boise Office Products." Lankford also forwarded the CD software which enabled me to download the "Rapid Eye Multi View" program and view the CD.

I took the CD and software to the LASD Technical Services Crew (9900 Norwalk Boulevard, Norwalk) in an attempt to enhance the viewing. Deputy Michael Clynes ([redacted] was unable to enhance or sharpen the images. Clynes formatted the CD into a slide show with the ability to view it in motion or with single frame images on a computer.





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
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CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

September 21, 2005

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 04-0708
L.A.S.D. File No. 004-07792-1516-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 24, 2004, fatal shooting of David Perez by Los Angeles County Sheriff's Deputies Eric Callahan and Richard Canfield. We have concluded that the deputies acted lawfully in self-defense and in the defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Detective Steve Lankford and Detective Rick Graves on [illegible]y 13, 2005. The District Attorney Command Center was notified of the shooting at approximately 11:53 p.m. on August 24, 2004. The District Attorney Response Team, comprised of Deputy District Attorney William Penzin and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Departmentally compelled statements were considered as a part of the analysis.

FACTUAL ANALYSIS

On August 24, 2004 at approximately 11:32 p.m., Deputies Eric Callahan and Richard Canfield arrived at 8590 Mercury Lane in the City of Pico Rivera in response to a "hit and run" broadcast. Both deputies were working in "one man" units and were looking for the suspect and suspect vehicle near Mercury Lane.

Deputy Callahan approached a man holding a large object in his hand near a loading dock at the location. This man was later identified as David Perez. Deputy Callahan saw six to eight people standing in a semi-circle at the end of the loading dock.

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Perez was standing between this group and Deputy Callahan's patrol vehicle. He was holding a wooden board. Deputy Callahan ordered Perez to drop the board. Perez yelled "Fuck you, fuck them, fuck this." Deputy Callahan pointed his duty weapon at Perez and again ordered Perez to drop the board. Instead of dropping the board, Perez ran towards Deputy Callahan.

Deputy Canfield arrived in time to see Perez running towards Deputy Callahan. He stepped out of his vehicle and quickly moved to the passenger side of Deputy Callahan's vehicle. Deputy Callahan aimed his weapon at Perez but decided not to fire due to the large number of bystanders.

Perez struck the hood of Deputy Callahan's vehicle with the board. Once again, Deputy Callahan ordered Perez to drop the board. Perez yelled at the deputies. Deputy Callahan then attempted to pepper spray Perez but missed when Perez moved towards Deputy Canfield's patrol vehicle. Callahan and Canfield continued ordering Perez to stop and drop the board.

During the encounter, both deputies noted that Perez acted as if he was under the influence of PCP. He was not wearing a shirt. Moreover, he was sweating profusely and continually screaming at the deputies.

Perez then jumped into Deputy Canfield's car, put the vehicle in gear, and accelerated forward toward Deputy Canfield. Canfield was standing in front of his vehicle on the driver's side. Fearful that the vehicle would strike him, Canfield fired his duty weapon three to four times at Perez as the patrol car drew closer. Simultaneously, Deputy Callahan moved towards the passenger side of the oncoming vehicle.

Perez then stopped, placed the car in reverse and accelerated backwards, striking a parked truck. Perez revved the car's engine as he reached for the gear shift a third time. Believing Perez was about to accelerate towards Deputy Canfield a second time, both deputies fired additional rounds at Perez stopping further movement of the vehicle. Deputy Callahan then initiated an emergency broadcast requesting assistance.

Deputies Ozeta and Avila responded to the scene and observed Perez seated in the driver's seat of the patrol vehicle. He was holding a wooden board in his right hand and bleeding heavily from his chest. Paramedics pronounced Perez dead at the scene.

Investigators interviewed several percipient witnesses. All of the witnesses, and the physical evidence recovered from the crime scene, corroborated the deputies' version of events.

Deputy Medical Examiner Irwin L. Golden, M.D., concluded that Perez died as a result of multiple gunshot wounds. Dr. Golden determined that Perez had sustained a total of



five gunshot wounds, four of which were to his chest. The toxicology report further revealed the presence of alcohol and cocaine in Perez' system at the time of his death. It is unknown if one or both of the deputies fired the fatal rounds.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming self-defense or defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. People v Williams, (1977) 75 Cal.App.3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions-Criminal 5.30 and 5.32.

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v Collins (1961) 189 Cal.App.2d. 575.

The evidence gathered in this investigation shows that David Perez ignored the deputies' repeated requests to drop the board and attempted to run over Deputy Canfield with the deputy's patrol vehicle. Believing that Deputy Canfield would be killed or seriously injured both deputies fired their service weapons killing Perez.

We conclude that Deputy Canfield and Deputy Callahan acted reasonably and lawfully in self-defense and the defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

RENEE S. CARTAYA
Deputy District Attorney
(213)974-5090

c: Deputy Eric Callahan, #[redacted]
Deputy Richard Canfield #[redacted]